

Department of Planning, Housing and Infrastructure

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# Code of Ethics and Conduct for NSW Government Sector Employees

Department of Planning, Housing and Infrastructure

September 2024



# Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Code of Ethics and Conduct for NSW Government Sector Employees

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# Message from the Secretary

As public sector employees, we make decisions every day on behalf of the government and for the people of NSW. Our customers, stakeholders and ministers rely on us to be transparent, ethical, and acting in their best interests.

The Code of Ethics and Conduct for NSW Government Sector Employees (the Code) is established by the Public Service Commission under section 8A of the Government Sector Employment Act 2013 (NSW), guides our conduct.

At the Department of Planning, Housing and Infrastructure (DPHI), we have adapted this Code to align with our unique operating environment and business risks. It ensures we understand the standards of behaviour expected of us in our daily work, which include:

- maintaining trust with the public and our stakeholders
- acting ethically and in the public interest
- operating professionally and apolitically while implementing decisions of the government
- using public resources efficiently and responsibly.

Our commitment to being an ethical, values-driven organisation is critical. Fostering a strong workplace culture built on trust and transparency is one of my core priorities.

To achieve this, you are supported and encouraged to report any wrongdoing safely and confidentially. As well as reinforcing the expected standards of behaviour, the Code details the many ways you can make a confidential report. If you witness misconduct or wrongdoing, please speak to me, your people leader, or use the reporting methods outlined in the Code.

I hold myself accountable to always act ethically, and I ask the same of you. Please familiarise yourself with the Code to understand your responsibilities and the expected standards of behaviour.

Together, let's cultivate a culture defined by integrity, honesty, and transparency – a culture that we can all take pride in.

Kiersten Fishburn

Secretary

Department of Planning, Housing and Infrastructure

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# Introduction

When you work in the NSW government sector, you have an important role to play in maintaining confidence in our systems of government.

As government sector employees, the work we do makes a difference in the lives of millions of people across NSW. The communities we serve both expect and need us to act ethically, fairly and comply with the law. We must spend public money wisely and maintain trust in our systems and institutions now and into the future.

The Code of Ethics and Conduct for NSW Government Sector Employees (the Code) sets out the minimum expected standards of behaviour that we must meet.

The Code provides a framework to guide our decisions and behaviour, no matter our level or our job.

Our department is large and diverse, with specific ethics and conduct obligations varying by role and professional requirements. For instance, regulators may have stricter rules for gifts and benefits, planning and policy roles may have stricter requirements for lobbyists and community engagement, funding, procurement or development bodies may have stricter requirements for conflict of interests.

A list of all corporate policies is available in the policy index.

## Application

This Code is adopted under section 8A of the *Government Sector Employment Act 2013* (NSW) (**GSE Act**) and applies to all NSW government sector employees.<sup>1</sup> The Code identifies mandatory requirements for all government sector employees that are consistent with Part 2 of the GSE Act (the Ethical Framework for the government sector).

This Code applies at all times when government sector employees are acting in the course of, or in connection with, NSW government sector employment. The Code also extends to conduct that is undertaken in a private capacity, but is inconsistent with your ability (or could

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<sup>1</sup>Government sector employee means a person employed in ongoing, term, temporary, casual or other employment, or on secondment, in a NSW government sector agency.

reasonably be perceived to be inconsistent with your ability) to fulfil your duties in your government sector role.

This Code does not apply to individuals who are not NSW government sector employees.<sup>2</sup>

Departments and agencies may supplement this Code – but not alter or subtract from it – with requirements specific to their organisation’s operating environment and business risks. This material may be incorporated into this Code to form a single consolidated document, or published separately.

It is a department requirement that volunteers, contingent workers, independent contractors and consultants engaged by the department must comply with this Code.

The department has supplemented this Code with requirements specific to the department’s operating environment and business risks. These supplementary sections are outlined in a light blue callout throughout this document, and form part of the Code as it applies to the department and to all department employees.

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## Commencement date

The Code applies from 1 November 2024. Conduct that occurred prior to that date while the code set out in section 2.2 of the document entitled *Behaving Ethically: A Guide for NSW government sector employees* was taken to have been adopted for the purpose of section 8A, remains in effect as if it had not been revoked or replaced.

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<sup>2</sup> Heads of government sector agencies are not personally covered by the Code if they are not a government sector employee. Statutory officeholders, including heads of Separate Public Service Agencies who are statutory officeholders and do not hold office in the Public Service (see GSE Act, Schedule 1, Part 3), are not personally covered by the Code since they are not government sector employees. Nevertheless, those heads of government sector agencies who are not personally covered by the Code are encouraged to conduct themselves in accordance with the requirements of this Code voluntarily, with any necessary modifications having regard to their statutory role and status

# The Ethical Framework for the government sector

All NSW government sector employees are required and expected to act ethically, lawfully and in the public interest. This can be achieved by adhering to the government sector core values of Integrity, Trust, Accountability and Service. These core values are underpinned by 18 principles, which will help you put the values into action. Our core values and principles are collectively prescribed by the GSE Act as the Ethical Framework for the government sector (**the Ethical Framework**) and are all of equal importance.



## Integrity

- Consider people equally without prejudice or favour
- Act professionally with honesty, consistency and impartiality
- Take responsibility for situations, showing leadership and courage
- Place the public interest over personal interest.



## Trust

- Appreciate difference and welcome learning from others
- Build relationships based on mutual respect
- Uphold the law, institutions of government and democratic principles
- Communicate intentions clearly and invite teamwork and collaboration
- Provide apolitical and non-partisan advice.



## Service

- Provide services fairly with a focus on customer needs
- Be flexible, innovative and reliable in service delivery
- Engage with the not-for-profit and business sectors to develop and implement service solutions
- Focus on quality while maximising service delivery.



## Accountability

- Recruit and promote employees on merit
- Take responsibility for decisions and actions
- Provide transparency to enable public scrutiny
- Observe standards for safety
- Be fiscally responsible and focus on efficient and prudent use of resources.

## Our values

In addition to the work we deliver for the community, we focus on creating an inclusive, values-based workplace culture that celebrates diversity and difference. We are:

- Daring – we understand what is expected, we speak up, show initiative, make big decisions and enable others to do so too. We all take accountability for our actions.
- Collaborative – we forge productive relationships, seek and take onboard different perspectives, ask for the opinions of others, help solve problems and give your colleagues a heads up on issues affecting them.
- Creative – we ask questions, listen to understand, experiment, challenge the status quo, try new things and look for ways to make things simpler.
- Kind – we make people feel welcome, help others achieve their goals, acknowledge the contribution of others, say thank you and check in on each other.
- Inclusive – we welcome everyone, offer fair opportunities, create safe spaces and take the time to get to know our colleagues

Find out more about our vision, purpose and values.

# Roles and responsibilities

All government sector employees must act in a way that is consistent with the Ethical Framework and must comply with this Code. Each of us has a responsibility to conduct ourselves in a manner that reflects our core values in action. This includes the responsibility to speak up when we see any behaviour that we believe does not live up to the Ethical Framework and the general principles and requirements in this Code. You should follow your agency's policies for reporting wrongdoing where you believe this has occurred.

## Reporting wrongdoing

See pages 29-31 for how to report serious wrongdoing at the department.

Managerial behaviour sets the tone for the conduct of all employees. Managers (including senior executives, senior managers, supervisors and others holding senior positions) play a critical role in promoting a culture that values high ethical standards and ethical behaviour. In addition to their responsibilities as government sector employees, all managers are required to model and promote this Code, and ensure that workplace culture, practices and systems operate consistently with the Ethical Framework.

In addition to having the responsibilities of managers, Departmental Secretaries, heads of agencies and senior executives are required to oversee implementation of this Code and the Ethical Framework.

## Annual Declaration Requirement

It is mandatory for all department employees to make an annual declaration via the Ethics Portal that they have read and understood their obligations under this Code.

# Minimum expected standards of behaviour

All government sector employees are expected to know and act in accordance with the Ethical Framework for the government sector and the general principles and requirements set out in this Code.

The minimum expected standards of behaviour outlined below are not an exhaustive list of what to do in every aspect of your work. Rather, they are general principles and requirements to apply when carrying out your work and should be applied to decide on an appropriate course of action when faced with an ethical issue or professional decision.

If in doubt, you should talk to your manager, internal ethics advisor (where available), human resources team, the relevant member of your agency's executive, or your agency's team responsible for advising on Code compliance.

Acting in the public interest	Lobbying
Act lawfully	Making public comment
Bullying, unlawful discrimination and harassment in the workplace	Recruitment
Confidentiality, privacy and records management	Risk management
Conflicts of interest	Secondary employment
Gifts, benefits and hospitality	Use of public resources
	Workplace health and safety

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## Acting in the public interest

You should treat all people you interact with in the course of your work:

- equally without prejudice or favour
- with honesty, consistency, impartiality and respect.

You should always:

- place the public interest over personal interest
- uphold the law, institutions of government and democratic principles
- provide apolitical and non-partisan advice

- provide transparency to enable public scrutiny
- be fiscally responsible and use resources efficiently, effectively and prudently.

Acting in the public interest requires leadership, courage and innovation to develop practical recommendations and actions that are consistent with the core values.

For those departments and other agencies that are subject to Ministerial direction and control, acting in the public interest requires you to help your agency to deliver policies, programs and stated outcomes of the Government of the day. However, acting in ways which are expedient or convenient, but which are inconsistent with the government sector core values, is not in the public interest.

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## Act lawfully

You must always act lawfully and uphold the law.

You must comply with this Code as well as any department or agency code of conduct which applies to you, any relevant legislative, industrial and administrative requirements and any lawful direction made by a person with the authority to give such a direction.

### Subject Matter Expert role and compliance

Everyone must comply with our legal and policy obligations. If you're unsure about an issue, ask your people leader or the relevant policy owners or a subject matter expert.

People leaders need to ensure that their teams are aware of their legal, policy and budget responsibilities including their delegated powers.

### Handling breaches

Breaches can indicate the need for more guidance or training or suggest that policies or procedures need clarification. Subject matter experts are responsible for tracking breaches in their areas and escalating significant issues for action. Report breaches to your people leader promptly, as early resolution is often easier.

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## Bullying, unlawful discrimination and harassment in the workplace

Everyone is entitled to be treated fairly and with courtesy and to feel safe and respected.

Bullying<sup>3</sup>, unlawful discrimination, and all forms of harassment (including sexual harassment) are not acceptable under any circumstances and not tolerated in our workplaces.

You must not bully, unlawfully discriminate against or harass anyone in your dealings with them.

Public Service Commissioner Direction 1 of 2023 requires departments and agencies to have in place a policy in relation to workplace sexual harassment.

You should ensure you understand and adhere to your legal obligations and your agency's policies in relation to workplace sexual harassment, as well as additional policies (if any) relating to bullying, unlawful discrimination and other forms of harassment.

Managers play a critical role in actively preventing and responding to bullying, unlawful discrimination and other forms of harassment (including sexual harassment) and should familiarise themselves with these obligations. You should refer to your agency's policies (if any) for more information.

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## Confidentiality, privacy and records management

### Confidentiality

Government sector agencies hold and manage large amounts of information. This information needs to be managed in accordance with relevant legislative obligations and agency policies (if any).

Unless otherwise authorised, you must maintain the confidentiality of all official information (including confidential, personal and other sensitive information or documents) held by your agency that is not publicly available, that has not been published or that you are not authorised to disclose.

You may only disclose official confidential information when you are authorised to do so, including when permitted or required by law or legal process to do so.

You must not disclose, access or use official information in an unauthorised way, including for you or anyone else's personal benefit or advantage.

Misuse of information acquired in the course of your employment may amount to misconduct, an offence under applicable criminal, privacy, information access, or State Records legislation and/or serious wrongdoing.

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<sup>3</sup> Bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety because it may affect the psychological and physical health of workers. It does not include reasonable management practices like performance management, disciplinary procedures or other reasonable management directions.

## Confidentiality and public release of information

Staff must familiarise themselves with the information they work with to understand the confidential nature and any sensitivities of that information so they can meet their confidentiality obligations.

Information should only be publicly released when required or appropriately authorised or approved. There are various ways the department can or must publicly release information including:

- *Government Information (Public Access) Act 2009* – for assistance with the GIPA Act contact the Information Access Team
- Order for papers under Standing Order 52 by parliament – for assistance with SO52s contact the Information Access Team
- Subpoenas and court orders to produce documents – for assistance contact Legal Services
- Media releases and public comment – refer to the Making Public Comment section below
- Other mandated or permissible forms of release, such as publishing planning development applications under the EPA Act – contact the subject matter experts.

## Privacy

You must protect personal information and health information and comply with applicable privacy obligations and your agency's privacy and data breach policies.

The *Privacy and Personal Information Protection Act 1998* (NSW) (**PPIP Act**) outlines how NSW public sector agencies are required to manage personal information. The *Health Records and Information Privacy Act 2002* (NSW) (**HRIP Act**) outlines how NSW public sector agencies are required to manage health information.

Staff should proactively incorporate privacy considerations into work, including in the design phase of initiatives. At a minimum this involves identifying whether personal and health information will be involved and if so, how that information is:

- Collected
- Used
- Stored and Accessed
- Disclosed
- Destroyed

Breaches of privacy, actual or suspected, must be reported to the Privacy Team as soon as you become aware of them. There are legislative requirements for dealing with privacy breaches that the department must comply with.

The Privacy Team has resources and can assist with privacy issues. The department's Privacy Management Plan and the Privacy Breach and Complaint reporting form are available on the intranet.

## Records management

You must comply with record-keeping obligations that apply to your role and your agency's records<sup>4</sup> management policy (if any). You must not destroy records without proper authority.

Good record management is an essential part of public service work. Records are evidence of what, where and when something was done, why a decision was made, who was involved and under what authority. A state record is any information or data, physical or electronic, created or received by a person in the course of official duties.

Staff must comply with the [State Records Act 1998](#) (SR Act) and other instruments that provide for the creation, management, protection and disposal of state records.

The department has a Records and information management policy that staff must comply with. There are also other resources available on the intranet to assist you to comply with requirements. Contact the Records Management Team for assistance.

## Information Labelling, Classification and Handling of Information

The department holds classified and sensitive information such as Sensitive Legal, Health, Personal and NSW Cabinet.

Classified and sensitive information must be handled appropriately. The [NSW Government Information Classification, Labelling and Handling Guidelines](#) outlines the NSW Government's commitment to a system for classifying, labelling and handling sensitive information in a manner consistent with the Australian Government's [Protective Security Policy Framework](#) (PSPF) 2018.

The Records Management team can assist with issues relating to classified and sensitive information.

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<sup>4</sup> Records may be in paper or other physical form and include work emails, texts, post and draft documents.

The Records Management team can assist with issues relating to classified and sensitive information. For assistance with personal and health information refer to the Privacy Team.

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## Conflict of interests

A conflict of interests exists when a reasonable person might perceive that your personal interest(s) could be favoured over your public duties.

A conflict may arise from a range of factors, including:

- personal relationships
- secondary employment
- membership of special interest groups
- your ownership of, or financial interest, in property, shares of companies.

Conflicts of interest may also arise due to your personal beliefs or attitudes that could influence, or be perceived to influence, your impartiality or decision-making. It is your responsibility to identify and declare conflicts of interest.

To determine if a conflict of interest exists, ask yourself:

- Do I have a personal interest?
- Do I have a public duty?
- Is there a connection between my personal interest and my public duty?
- Could a reasonable person perceive that my personal interest might be favoured?

It is not necessarily unethical to have a conflict of interest. However, you should avoid placing yourself in conflicting situations wherever possible. Failing to disclose and manage a conflict appropriately may amount to misconduct and/or serious wrongdoing.

Where you have a conflict of interest, you must:

- always disclose the conflict of interest in accordance with this Code and your agency's conflicts of interest policy (if any) as soon as you become aware of the conflict
- work with the appropriate person with responsibility for managing the conflict to resolve any conflicts in the public interest, rather than your own or another person's personal interest.

Managers or those responsible for managing a conflict of interest should:

- ensure the conflict is appropriately documented

- consider whether the circumstances warrant removing the employee from the duties that are in conflict with their private interests
- approve a management plan to eliminate or manage the conflict in the public interest
- monitor the situation to ensure compliance with the agreed management plan.

## Managing Conflicts

To manage conflict of interest, the department defines:

- **Family relationship:** Includes your partner, child, parent and sibling.
- **Close personal relationship:** Includes others living in the same household with whom you have a dependent relationship, close work relationship, or a close social friendship.

Closeness is based on the nature, frequency and duration of the relationship. When you have access to information or make decisions that may affect someone you have a relationship with, there may be a conflict of interest. These include actual<sup>5</sup>, reasonably perceived<sup>6</sup> and potential conflicts<sup>7</sup>.

All employees and others working in and throughout the department must annually declare any conflict of interests through the Ethics Portal. Declarations should state if the interest is direct (personally held) or indirect (held by someone in a close relationship with you), and whether the interest is pecuniary<sup>8</sup> or non-pecuniary<sup>9</sup>.

Besides the annual declaration, you should always promptly declare in writing any actual, reasonably perceived or potential conflict that arises in the course of your work:

- on commencing employment with the department
- when changing roles
- as a result of changing circumstances
- if you are involved in evaluating quotes or tenders
- if working in a high-risk area.

Find out more here about conflicts and ways of managing them.

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<sup>5</sup> Actual conflict is direct conflict between your duties and responsibilities and private interests

<sup>6</sup> Reasonably perceived conflict is when it appears your private interests could improperly influence your duties.

<sup>7</sup> Potential conflict is where a private interest could conflict with your duties in the future.

<sup>8</sup> Financial interest, including potential financial loss or gain.

<sup>9</sup> Non-financial interest from relationships or activities that could influence your judgement.

If you discover an undeclared conflict, notify your people leader promptly by making a declaration. Your people leader must review your declaration within 10 working days and make a determination.

When in doubt, declare the situation to protect yourself, your team and the department. People leaders must ensure appropriate management strategies are implemented, recorded and reviewed at least every 6 months.

### Senior executive private interests

In addition to annual conflict of interests declarations, all department Senior executives (including acting senior executives) must submit their private interest declarations through the Senior Executives Private Interest declaration form on the department's Ethics Portal. Find out more about Senior Executive Private Interest declarations on page 33.

### Conflict of duty

A conflict of duty is a type of conflict of interest where you make decisions in more than one functional area. It must be declared, documented and decisions made transparently.

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## Gifts, benefits and hospitality

In the course of your work, you – or, occasionally, your family, relations, friends or associates – might be offered gifts, benefits and/or hospitality by customers, clients, applicants, suppliers, or other persons or organisations.

Where a gift, benefit or hospitality of token value is offered simply as a memento or a small token of appreciation, accepting it is unlikely to be inconsistent with your obligations under the Ethical Framework for the government section (unless your agency policy prohibits you from accepting any form of gift or benefit).

However, you should always be aware that gifts, benefits and/or hospitality might be offered to influence you when making a decision, or to provide a favour which will advance the interests of the giver, either now or in the future.

You should never:

- solicit gifts, benefits and/or hospitality from anyone
- accept any gifts, benefits and /or hospitality offered to you that is intended, or likely, to cause you to act in a certain way
- accept any gift, benefit and/or hospitality where there could be a perception that it has been offered as an inducement or incentive to act in a certain way

- accept any gift, benefit and/or hospitality for a family member, relation, friend or associate that is intended as, or could reasonably be perceived to be, an inducement or incentive to act in a certain way
- accept any gift, benefit and/or hospitality where you currently, or may in the future, exercise discretion in the making of a decision affecting the giver.

You should ensure you understand and adhere to your agency's policies relating to the declaration and management of gifts, benefits and/or hospitality.

You must refuse bribes or inducements and report them in line with your agency's policy.

## Managing gifts, benefits and hospitality

There are some circumstances where acceptance of a gift, benefit or hospitality is unavoidable. This may include when it would cause offence to refuse, such as a ceremonial gift or one that has cultural significance, or when the gift arrived unannounced and the opportunity to decline is not available.

If you do need to accept a gift, benefit or hospitality, it must be valued below \$50. Ensure you notify your people leader and declare it on the Ethics Portal within 10 working days. For further information see the Gifts, benefits and hospitality page.

People leaders have 10 working days to review the declaration. Your people leader will discuss with you the appropriate course of action. Additionally, if you believe there is a conflict of interests in relation to the offer, it should be declined and declared.

High-risk areas and activities where you should never accept gifts, benefits or hospitality include:

- regulatory functions, for example licensing or compliance officers
- procurement and/or disposal of assets
- negotiating and/or managing contracts for public-private partnerships
- administration or approval of grants and similar funding applications
- recruitment
- negotiating and/or managing the delivery of products and services
- assessing and reviewing development applications or similar.

If you believe the intention of an offer was to influence the way you do your work, or that might otherwise be considered a bribe, you must report it immediately to your people leader.

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## Lobbying

NSW public sector officials are required to act impartially in the public interest when carrying out their public duties, including when being lobbied, or making decisions after being lobbied by lobbyists.

You must comply with the values, principles and requirements in this Code and Premier's Memorandum M2019-02 *NSW Lobbyists Code of Conduct*. The *Lobbying for Government Officials Act 2011* (NSW) restricts lobbying of Government officials by lobbyists, and requires lobbyists to comply with ethical standards of conduct and other requirements set out in the Lobbyists Code of Conduct. It is important for public confidence in the integrity of government that lobbying is carried out with appropriate probity and transparency.

Further information see Lobbying of public officials and Lobbying Policy.

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## Making public comment

Public comment is any comment made where it is expected that it will be seen or heard by members of the public. It includes:

- profiles or activities on social media
- comments on internet sites or broadcast by electronic means
- public speaking engagements
- comments to radio, television or print reporters (including letters to the editor)
- comments in books, journals or notices
- appearances before Parliamentary Committees.

You must not make any public comment on behalf of your agency or in the course of your work unless authorised to do so. When making an authorised public comment for official duties, you should:

- only state the facts
- avoid expressing opinions on government policies or government decisions, unless you are authorised to do so or this part of your agency's role
- only disclose information that is publicly available or has been published or is information that you are authorised to disclose.

You are able to participate in public debate on political and social issues in a private capacity, including on social media. In making public comments in a private capacity you should ensure your comments:

- are clearly identified and understood to be your personal views
- do not discuss or disclose information concerning your work or workplace that is not publicly available
- are lawful – do not post material that is defamatory, bullying, harassing, breaches privacy, is in contempt of court, breaches intellectual property rights or is otherwise unlawful.

You must not act in a way that casts doubt on your ability, or the ability of your agency, to act impartially, apolitically and professionally.

For further details please see Media Policy

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## Recruitment

If you are involved in any recruitment, you must comply with the Ethical Framework requirement to recruit and promote employees on merit, and comply with applicable legislative requirements concerning the recruitment process.

You must also promptly declare any conflict of interest as required by this Code and/or your agency's policies (if any). Where applicable, you must work with the appropriate person with responsibility for managing the conflict to resolve any conflicts in the public interest, rather than your own or another person's personal interest.

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## Risk management<sup>10</sup>

When carrying out your work or contributing to the making of decisions, you have a duty to objectively identify any risks and report them to your manager or the relevant decision maker, so they can be assessed and appropriately managed in a lawful way. Risks must be managed in accordance with your agency's risk management policy (if any) and applicable mandatory NSW Treasury policies.

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<sup>10</sup> Risk management is the process of anticipating future events that could adversely affect the department and taking action to either reduce the likelihood of the risk occurring or reduce the consequences if the risk does occur.

Everyone is responsible for identifying and acting on risks. Frontline employees are the people most likely to see operational risks early and the department needs your help to capture these. You have a responsibility to embrace the management of risks, which includes:

- raising any risks to your team's objectives with your people leader
- adhering to relevant departmental policies and procedures
- taking time to understand and use those procedures
- undertaking appropriate risk training if needed.

To ensure risks are handled and reported consistently, the department has developed risk management policy and guidelines.

To manage disruptions to the department's critical activities, a business continuity management (BCM) framework is in place which provides procedures, roles and responsibilities during business disruptions.

For further information see the Risk and resilience page for risk management and business continuity.

## Recommendations & business improvement

Internal and external audits, inquiries or investigations lead to recommendations for risk reduction and improving internal controls and governance within the department. The purpose of these reviews is to strengthen controls and manage and mitigate significant risks.

If you are involved with any of these reviews you are expected to:

- cooperate and provide information and prompt responses to auditors and investigators
- review the observations and findings to ensure they accurately reflect underlying issues
- obtain relevant approvals from senior executives on the agreed responses to recommendations and corresponding actions
- formally respond to recommendations within the agreed timeframe
- monitor, complete and record agreed actions by the due date.

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## Secondary employment

You may for various reasons wish to undertake either paid or unpaid work in addition to your role within the government sector.

You are required to comply with applicable legislative requirements and follow your agency's policies (if any) concerning secondary employment. For Public Services employees, see clause 7 of the *Government Sector Employment Regulation 2014* (NSW).

Taking on additional work may give rise to a conflict of interest, or reasonably perceived conflict, between your primary and secondary employment.

If this occurs you should declare the conflict in accordance with this Code and your agency's conflict of interest policy (if any) and resolve any conflicts in the public interest, rather than your own or another person's personal interest.

Before performing paid work elsewhere, you must gain approval by submitting a Secondary Employment application through the department's Ethics Portal. People leaders have 10 days to review the application, followed by an additional 10 days for the relevant Director to make a determination.

Approval must not be provided for more than 12 months, and you must reapply once the approval period expires or when you transfer to a new position, business unit or work location within the department.

Casual and part-time employees, or employees who engage in voluntary work outside the department are not required to obtain approval, provided there is no adverse effect on regular duties and any conflicts of interest are declared and managed

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## Use of public resources

You must use public resources in an efficient, effective and prudent way.

You must not use public resources – including such things as money, property, equipment or consumables – for an unauthorised purpose. You must not use your position, or access to government resources and information, for personal gain or the gain of another person.

When procuring goods and services for your employer, you must ensure you:

- declare any conflicts of interest in accordance with your agency's conflicts of interest policy (if any)

- work with the appropriate person with responsibility for managing any conflict to resolve any conflicts in the public interest, rather than your own or another person's personal interest
- comply with applicable NSW Procurement Board policies and directions as well as your agency's procurement policies (if any)
- comply with the principles of probity and fairness
- take reasonable steps to ensure the goods and services are not the product of modern slavery
- obtain value for money.

You are required to comply with this Code, your legislative obligations, the NSW Government Procurement Policy Framework, and your agency's policies and procedures (if any).

### Appropriate use of resources

Department resources include vehicles, digital devices, photocopiers and purchase cards. If unsure about an activity or expenditure, consult your people leader.

Ensure the safe and appropriate use of digital devices and the internet. Do not create, browse or download illegal, inappropriate or offensive material or use these tools to harass or bully employees.

Dispose of departmental resources, such as electronic devices and paper files, according to approved procedures, especially if they contain sensitive information or state records.

For further information on buying goods and services see the Procurement page or contact the procurement team

### Managing grant and funding agreements

Government agencies must comply with the [Grants Administration Guide](#) as mandated by the Premier's Memorandum M2024-03.

It is important to be aware that grant opportunities are open to public scrutiny. Officials must seek probity advice (whether external or internal) for all grant opportunities that are complex, high-risk or high-value (consistent with the agency's expenditure and risk management frameworks), to support the design, application, assessment and decision-making phases.

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## Workplace health and safety

We all have a role to play in ensuring the safety of ourselves and others in the workplace.

You must take reasonable care for your own health and safety and not do anything that adversely affects the health and safety in accordance with your duties under the *Work Health and Safety Act 2011* (NSW) and your agency's policies (if any), and familiarise yourself with the work, health and safety arrangements in your workplace.

Managers may have more substantial obligations involving the safety of those under their supervision or attending work locations, and should familiarise themselves with these obligations. You should refer to your agency's policies (if any) for more information.

### Resolving Issues

There are practical steps you can take to resolve issues. If you haven't been able to resolve an issue, contact your people partner or report a workplace issue.

- contact your people partner if:
  - inappropriate behaviour cannot be resolved to the satisfaction of all parties
  - the potential misconduct is significant
  - the behaviour has happened more than once
- getting further guidance on resolving workplace issues.

For details on reporting and managing sexual harassment, refer to the *Prevention of Sexual Harassment in the Workplace Policy*.

The department is committed to eliminating and minimising work health and safety (WHS) risks. Achieving a safe and healthy workplace requires your help, so everyone must:

- understand and comply with our WHS legal obligations
- implement safety systems and practices that help keep each other safe
- avoid behaviours that could cause physical or psychological injury to others
- identify workplace hazards and act on safety risks while ensuring your own safety
- report all WHS incidents, including near misses, as soon as possible to your manager and within 24 hours on the relevant WHS incident reporting system.
- Always act in a professional manner and ensure that your capacity to perform your duties is not impaired by fatigue or the use of alcohol or other drugs that puts anyone's health and safety at risk

People leaders are expected to:

- lead by example and model safe work practices
- ensure team members identify hazards, assess risks and implement controls to reduce risks to our people and the public
- address any unsafe practices within your team
- address any violence or aggressive behaviour in the workplace
- investigate all WHS reports in accordance with department safety systems and implement any new safety measures promptly.

For more information, refer to the Work Health Safety and Wellbeing Policy.

## Criminal offences and bankruptcy

You must notify the Secretary if you are charged with or convicted of an offence punishable by 12 months or more in prison, even if it occurred in your private life. Additionally, inform the Secretary if you are declared bankrupt or enter into an arrangement with creditors. For less serious criminal charges that may impact your job performance, discuss the matter with your people leader.

## Sponsorships

Sponsorship<sup>11</sup> is not used as a primary tool to conduct business by the department, irrespective of whether we would be receiving or granting the sponsorship. It may be appropriate if the activity directly contributes to government priorities or if it directly aligns with the department's documented strategic objectives and does not create an inappropriate conflict.

Sponsorship proposals are evaluated in line with [ICAC's sponsorship principles](#) and NSW Government policy and recorded in a departmental register.

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<sup>11</sup> A commercial arrangement in which a sponsor provides money or in-kind to support an activity in return for specified benefits.

# Behaviour contrary to the Code

Behaviour contrary to this Code or to the Ethical Framework for the government sector can create an unsafe workspace, bring individuals into disrepute, undermine productive relationships with colleagues and the public, and damage public trust in your agency or the broader government sector.

A contravention of this Code may be misconduct for the purposes of section 69 of the GSE Act, or other legislation governing the conduct of government sector employees in the Teaching Service, Police Force, Health Service, Transport Service and other services of the Crown.

If you are unsure of what is appropriate conduct in a particular situation, you can discuss the matter with your manager, internal ethics advisor (where available), human resources team, the relevant member of your agency's executive, or your agency's team responsible for advising on Code compliance. Your agency may have additional options available to discuss any concerns you have. Heads of government sector agencies may also contact the Public Service Commissioner.

If you see someone act in ways that are contrary to this Code, you should raise your concerns in accordance with your agency's policy framework for reporting wrongdoing.

## Breach of the code

The department identifies potential breaches using a range of mechanisms, including:

- audits (internal and external)
- data analysis and exceptions reporting (financial transactions, purchase card usage etc)
- surveillance (department email, internet and motor vehicle activity etc.) in accordance with the [Workplace Surveillance Act 2005](#)
- consideration of reports of serious wrongdoing.

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## How to report serious wrongdoing

The *Public Interest Disclosures Act 2022* (NSW) (**PID Act**) establishes a framework to encourage people who work in the public sector to report serious wrongdoing. Serious wrongdoing means one or more of the following:

- corrupt conduct
- serious maladministration
- a government information contravention (other than a trivial failure)
- a local government pecuniary interest contravention
- a privacy contravention (other than a trivial failure)
- a serious and substantial waste of public money.

If you become aware of serious wrongdoing, you can report your concerns in accordance with your agency's Public Interest Disclosure policy. You can also contact the relevant integrity agency body (such as the Ombudsman, Independent Commission Against Corruption, Auditor-General, or Law Enforcement Conduct Commission).

If you believe conduct may be illegal or constitute a criminal offence, you should follow your agency's policies for reporting wrongdoing or, if appropriate, report the matter to NSW Police Force.

Under the PID Act, it is both a criminal offence and misconduct to take detrimental action against a person who makes, or is suspected of making, a public interest disclosure. The PID Act provides a range of additional protections against detrimental action.

When a public official (as defined in the PID Act) reports suspected or possible wrongdoing in the public sector, their report will be a public interest disclosure (PID) if it has certain features which are set out in the PID Act. PIDs must be managed in accordance with the PID Act.

Further information about public interest disclosures is available on the NSW Ombudsman's website.

If you wish to speak with an external service, you can contact Ethicall, a free, confidential ethics helpline provided by The Ethics Centre.

For further information see the Public Interest Disclosures Policy, public interest disclosures page or contact the professional standards team.

### ICAC and NSW Ombudsman requests

If you are contacted by the ICAC or NSW Ombudsman to attend an interview to provide information, you should contact the General Counsel – Deputy Secretary, Strategic Services and Advice, Executive Director Governance, or Director Ethics and Compliance as soon as possible to discuss the request.

### DPHI reporting options

If you're aware of serious wrongdoing, report it through one of the following options:

- email an internal report form to the Professional Standards team at [pidreporting@dpie.nsw.gov.au](mailto:pidreporting@dpie.nsw.gov.au)
- report to your supervisor or manager using the internal report form
- report to a disclosure officer using the internal report form
- complete a secure report via the department's online reporting platform, Whispli. Reports go directly to the Professional Standards Team, and you can choose to remain anonymous.

We are all expected to:

- report suspected corrupt conduct, serious maladministration, or fraud through one of the options listed above.

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## Actions when allegations of misconduct are made

For employees of Public Service agencies, the GSE Act and Government Sector Employment (General) Rules 2014 (**GSE Rules**) set out how allegations of misconduct are to be dealt with, which include:

- requirements that the relevant employee be advised of the detail of the allegation
- the action that may be taken against the relevant employee if there is a finding of misconduct
- the process to be undertaken to investigate and resolve the matter
- that the relevant employee be provided a reasonable opportunity to respond to the allegations and the proposed action to be taken.

Government sector agencies that are not part of the Public Service (that is, the Teaching Service, Police Force, Health Service, Transport Service and other services of the Crown) are not bound by the misconduct provisions in the GSE Act and GSE Rules unless so prescribed. Non-Public Service agencies have their own legislative, policy and/or industrial instrument requirements for dealing with allegations of misconduct.

# Declaring private interests as a senior executive

A senior executive (including an acting senior executive) must make a written declaration of private financial, business, personal or other interests or relationships that have the potential to influence, or could reasonably be perceived to influence, the senior executive's duties, including decisions made, or advice given by the senior executive.<sup>12</sup>

Where a senior executive has no such private interests to declare, they must declare a 'nil return'.

After a senior executive makes an initial declaration, a fresh declaration must be made:

- as soon as practicable, following any relevant change in the senior executive's private interests
- as soon as practicable, following the senior executive's assignment to a new role or responsibility
- at least annually.

A template form for making a private interests declaration is available on the PSC's website. The form may be used 'as is, or augmented by a department/agency to reflect the operating environment and/or business risks which are specific to the department/agency.

An acting senior executive is not required to make a fresh declaration on each 'acting' occasion and may rely on their most recent declaration, provided:

- that declaration is brought to the attention of their current manager
- there are no additional undeclared private financial, business, personal or other interests or relationships that have the potential to influence, or could be perceived to influence, decisions made, or advice given by the senior executive whilst they are acting.

A senior executive must provide their declaration to:

- in a department, the Secretary

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<sup>12</sup> Government sector agency heads who are statutory officeholders and not subject to this Code may wish to provide a voluntary declaration of interests. They can do so to the person exercising employer functions in relation to the statutory officeholder, to the extent that this is possible. For example, statutory officers whose employment is governed by a contract of employment with a Minister, or who are subject to Ministerial direction or control in respect of some or all of their functions, could make their voluntary declaration to that Minister. Where this is not possible or appropriate in the

- in an executive agency related to a department, the agency head
- in a separate Public Service agency, the agency head
- in the Teaching Service, NSW Police Force, NSW Health Service, Transport Service of NSW and any other service of the Crown, the head of the service.

A Department Secretary must provide their declaration to the Secretary of the Premier's Department.

The Secretary of the Premier's Department must provide their declaration to the Public Service Commissioner.

A head of an executive agency related to a department must provide their declaration to the Department Secretary.

A head of a transport-related service must provide their declaration to the Secretary of the Department of Transport.

A head of any other service of the Crown must provide their declaration to the Secretary of the Premier's Department.

### **Responsibilities of person receiving declaration**

Government sector agency heads are responsible for ensuring that procedures are in place to require that:

- senior executives' complete declarations
- handling and storage of declarations comply with the requirements of the PPIP Act
- declared conflicts of interest are managed and monitored.

### **Senior executive private interests**

All department Senior executives (including acting senior executives) are required to submit their private interest declarations through the Senior Executives Private Interest declaration form on the department's Ethics Portal.